

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Genevieve Lamont	Team: Squad #8	CCRB Case #: 201906183	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input checked="" type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Monday, 07/15/2019 10:30 PM	Location of Incident: 31st Street, between Broadway and 6th Avenue	Precinct: 14	18 Mo. SOL 1/15/2021	EO SOL 9/1/2021	
Date/Time CV Reported Tue, 07/16/2019 8:53 AM	CV Reported At: CCRB	How CV Reported: Phone	Date/Time Received at CCRB Tue, 07/16/2019 8:53 AM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POF Danamarie Alessio	00287	949983	MTS PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Andrew Eden	09065	947744	MTS PCT
2. POM Aaron Brown	29723	964942	MTS PCT
3. POM Matthew Hunker	09176	963576	MTS PCT

Officer(s)	Allegation	Investigator Recommendation
A.POF Danamarie Alessio	Off. Language: Police Officer Danamarie Alessio made remarks to an individual based upon ethnicity.	
B.POF Danamarie Alessio	Abuse: Police Officer Danamarie Alessio refused to provide her name to § 87(2)(b)	
C.POF Danamarie Alessio	Abuse: Police Officer Danamarie Alessio refused to provide her shield number to § 87(2)(b)	

Case Summary

On July 16, 2019, § 87(2)(b) filed the following complaint with the CCRB by phone on behalf of an individual known to the investigation and referred to throughout this report as § 87(2)(b).

On July 15, 2019, at approximately 10:30 p.m., § 87(2)(b) and his girlfriend, § 87(2)(b) observed PO Danamarie Alessio of the 18th Precinct yelling at § 87(2)(b) on 31st Street between 6th Avenue and Broadway in Manhattan. At one point during the incident, § 87(2)(b) stated, “I don’t like this, this would never happen in Africa”, to which PO Alessio responded, “Well, you’re not in Africa, you’re in New York City. And if you don’t like it, go back to Africa.” (**Allegation A: Offensive Language;** § 87(2)(g)). Eventually the officers, PO Alessio, PO Aaron Brown, PO Matthew Hunker, and PO Andrew Eden, all from the 18th Precinct, left the scene. § 87(2)(b) and § 87(2)(b) followed PO Alessio, and § 87(2)(b) requested her name and shield number, which she failed to provide (**Allegations B and C: Abuse of Authority;** § 87(2)(g)). § 87(2)(b) provided the investigation with cellphone footage he took of the incident [BR01 and BR02]. Body-worn camera (BWC) footage from PO Alessio, PO Brown, and PO Eden was also obtained [BR03, BR04, and BR05, respectively].

Findings and Recommendations

Allegation (A) Offensive Language: Police Officer Danamarie Alessio made remarks to an individual based upon ethnicity.

Allegation (B) Abuse of Authority: Police Officer Danamarie Alessio refused to provide her name to § 87(2)(b).

Allegation (C) Abuse of Authority: Police Officer Danamarie Alessio refused to provide her shield number to § 87(2)(b).

The investigation was unsuccessful in identifying the victim, § 87(2)(b) and was unable to obtain a statement from him [BR06].

§ 87(2)(b) testified that as he and § 87(2)(b) were driving down 31st Street, they observed PO Alessio yelling at § 87(2)(b) which concerned them, and they pulled over. Neither he nor § 87(2)(b) knew § 87(2)(b) or previously interacted with him. They observed the incident across the street for about 15 minutes and then moved onto the sidewalk next to § 87(2)(b) § 87(2)(b) stated that § 87(2)(b) had been assaulted by an Hispanic male on scene, who himself had been previously assaulted by a group of black males and believed § 87(2)(b) to be a part of that group. § 87(2)(b) was also yelling on scene, and § 87(2)(b) stated that PO Alessio was “riling him up” by continuing to yell at him. An ambulance and EMTs arrived on scene, and § 87(2)(b) attempted to get their attention, as he had a large welt under his eye. The EMT ignored him and went directly to the other individual on scene. § 87(2)(b) then stated, “I don’t like this, this would never happen in Africa”, to which PO Alessio responded, “Well you’re not in Africa, you’re in New York City. And if you don’t like it, go back to Africa.” No officer said anything in response to this [BR07].

§ 87(2)(b)'s testimony was consistent with § 87(2)(b) and also heard PO Alessio tell § 87(2)(b) to “go back to Africa”. After § 87(2)(b) left the scene, she and § 87(2)(b) followed PO Alessio around the corner, where she approached PO Alessio and asked her if they had asked § 87(2)(b) if he wanted to file a police report. PO Alessio told her that § 87(2)(b) had “gone off” on her, and § 87(2)(b) responded that she did not want to engage with her and asked for her name and shield number. PO Alessio responded, “I don’t know why you need that”, and gestured to her shield. § 87(2)(b) documented PO Alessio’s name and shield number in her phone. PO Alessio did not verbalize her name or shield number [BR08].

PO Alessio testified that she and PO Hunker were waved down by civilians, a Hispanic male and female on 31st Street, who were arguing with § 87(2)(b). The Hispanic male was bleeding from his face. PO Alessio spoke with the couple, who informed her that they had been assaulted by

a group of black males. The Hispanic male believed § 87(2)(b) to have been a part of the group of black males who assaulted him. She then spoke with § 87(2)(b) who continued to talk over her, refused to answer her questions, and asked her, “Do you know who my father is?” PO Alessio testified that § 87(2)(b) told her that he was a king from Africa, but she denied ever telling him to “go back to Africa.” She left the scene with PO Hunker after the Hispanic couple refused to file a police report or receive medical treatment. § 87(2)(b) and § 87(2)(b) approached PO Alessio and asked her for her name and shield number, which she verbally provided. She did not recall how they recorded her information [BR09].

PO Brown was consistent with PO Alessio’s testimony, stating that § 87(2)(b) mentioned that he was from Africa, and told the Hispanic couple, “If this was Africa, you’d be dead.” He did not recall if PO Alessio told § 87(2)(b) to go back to Africa or if she made any comments regarding § 87(2)(b) being from Africa at any point during the incident [BR10]. PO Hunker was also consistent with PO Alessio’s testimony but did not recall if § 87(2)(b) made any reference to being from Africa. He did not recall if PO Alessio told § 87(2)(b) to go back to Africa or if she made any statement about him being from Africa [BR11]. PO Eden testified that he did not hear PO Alessio make any comment about § 87(2)(b) being from Africa [BR12].

The BWC footage captured the officers speaking with § 87(2)(b) and the Hispanic couple on scene, who both detailed being assaulted. The footage did not capture any offensive language, however, all of the officers deactivated their BWC’s before § 87(2)(b) or anyone else left the scene [BR03 through BR05]. § 87(2)(b)’s cellphone footage showed § 87(2)(b) asking for PO Alessio’s name and shield number at 00:15 seconds. PO Alessio responds that § 87(2)(b) can “take whatever she wants” but that the situation has nothing do with her. She does not verbalize her information to § 87(2)(b) [BR0]. After viewing the cellphone footage, PO Alessio acknowledged seeing herself in the video, but denied hearing anyone ask for her information. She maintained that she verbally provided her information to § 87(2)(b) [BR09].

§ 87(2)(g)

As per Patrol Guide Procedure 203-10, a member of service is prohibited from using discourteous or disrespectful remarks regarding another person’s ethnicity [BR13].

As per Patrol Guide Procedure 203-09, a member of service must courteously and clearly state their name, rank, shield number, and command, or otherwise provide them, to anyone who requests for such information [BR14].

§ 87(2)(g)

§ 87(2)(g)

Civilian and Officer CCRB Histories

- This is the first CCRB complaint both § 87(2)(b) and § 87(2)(b) have been party to [BR15 and BR16, respectively].
- PO Alessio has been a member of service for eight years and has been subject in one other CCRB case, #201500105, in which two allegations were substantiated.
 - Two discourtesy – word allegations were substantiated, and the Board recommended that PO Alessio receive Command Discipline B for both allegations. The NYPD recommended Command Discipline A, which she ultimately received for both allegations.

§ 87(2)(g)

Mediation, Civil and Criminal Histories

- § 87(2)(b) and § 87(2)(b) declined to mediate this complaint.
- On February 4, 2020, a FOIL request was submitted to the New York City Office of the Comptroller to determine if a Notice of Claim was filed in regards to this incident, the results of which will be added to the file upon its receipt [BR17].
- § 87(2)(b)

Squad No.: _____

Investigator: _____
Signature Print Title & Name Date

Squad Leader: _____
Signature Print Title & Name Date

Reviewer: _____
Signature Print Title & Name Date